

Notice of Allowability

Application No.

09/744,681

Examiner

Helen F. Pratt

Applicant(s)

BEN YEHUDA ET AL.

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9-5-03.
2. ☒ The allowed claim(s) is/are 84-102 renumbered as claims 1-3, 5-9, 4, 10, 11-19.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 3-24-04, Mr. Neimark requested an extension of time for 3 MONTH(S) and authorized the Director to charge Deposit Account No. 02-4035 the required fee of \$475.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. (This request is found in a faxed response of March 24, 2004. Also, applicant's filing receipt for the REPLY TO FINAL ACTION: AMENDMENT AND REMARKS of March 1, 2004 was faxed again, as applicant's response has not been matched through E-Dan.).

The application has been amended as follows: Amendments to the Claims

This listing of claims will replace all prior versions and listings, of claims in the application:

Listing of claims:

1-83 (Cancelled).

~~84~~¹. (New) A method of treating potatoes during storage, comprising contacting said potatoes with a hydrogen peroxide solution, and inhibiting sprouting of said potatoes, the improvement wherein:

Art Unit: 1761

said hydrogen peroxide solution is at a maximum pH of 6; contains metallic ions of at least one of silver, copper and zinc, said metallic ions being present in an amount of 10 ppb to 20,000 ppm; and contains at least one of peracetic, nitric, sulfuric and phosphoric acid;

said solution is applied in the form of a dry fog, fumes or smoke, wherein said solution comprises microdroplets having a particle size of 0.001 to 100 microns,

said potatoes are maintained at a high relative humidity during storage, and sprouting of said potatoes is inhibited.

²
~~85~~ (New) The method of claim ~~84~~¹ wherein said pH is no greater than 4.

³
~~86~~ (New) The method of claim ~~85~~² wherein said metallic ions comprises silver ion in an amount of 50 ppb to 10,000 ppm.

⁵
~~87~~ (New) the method of claim ~~86~~³ wherein said acid comprises phosphoric acid.

⁶
~~88~~ (New) The method of claim ~~87~~⁵ wherein said microdroplets have a maximum particle size of 10 microns.

⁷
~~89~~ (New) The method of claim ~~88~~⁶ wherein said treating comprises fogging, and said fogging comprises an air to liquid volume ratio of between 300:1 and 1200:1.

⁸
~~90~~ (New) The method of claim ~~89~~⁷ wherein said fogging comprises an air to liquid volume ratio of between 500:1 and 700:1.

⁹
~~91~~ (New) The method of claim ~~90~~¹ wherein the concentration of hydrogen peroxide in said hydrogen peroxide solution is 0.1-15%.

⁴
~~92~~ (New) The method of claim ³~~86~~ wherein said microdroplets have a maximum particle size of 30 microns.

¹⁰
~~93~~. (New) The method of claim ¹~~84~~ wherein said potatoes are stored for at least five months, and said treatment is repeated intermittently during said storage, intervals between said treatments being approximately 3 or 4 weeks.

¹¹
~~94~~. (new) The method of claim ¹⁰~~93~~ wherein said potatoes are maintained at a temperature of at least 10°C during storage.

¹²
~~95~~. (New) The method of claim ¹~~84~~ wherein said potatoes are stored for at least three months, and said treatment is repeated intermittently during said storage, intervals between said treatments being approximately three or four weeks.

¹³
~~96~~. (new) The method of claim ¹²~~95~~ wherein said potatoes are maintained at a temperature of at least 10°C during storage.

¹⁴
~~97~~. (new) The method of claim ¹~~84~~ wherein said potatoes are stored for at least three months, and said treatment is repeated intermittently 10-50% of the time during said storage.

¹⁵
~~98~~. (new) The method of claim ~~84~~¹, wherein said potatoes are stored for at least five months, and said treatment is repeated intermittently 10-50% of the time during said storage.

¹⁶
~~99~~. (new) The method of claim ~~84~~¹, wherein said potatoes are stored for at least five months, and said treatment is carried out substantially continuously during said storage.

¹⁷
~~100~~. (new) The method of claim ~~99~~¹⁶ wherein said potatoes are maintained at a temperature of at least 10°C during storage.

¹⁸
~~101~~. (new) The method of claim ~~84~~¹, wherein said treatment further comprises inhibiting rooting of said potatoes.

¹⁹
~~102~~. (new) The method of claim ~~84~~¹, wherein said potatoes are seed potatoes, and said treatment comprises breaking epical dominance in said seed potatoes.

Art Unit: 1761

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen F. Pratt whose telephone number is 571-272-1404. The examiner can normally be reached on Monday-Friday, 9:30-6:00 P. M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP 3-31-03

H. Pratt
HELEN PRATT
PRIMARY EXAMINER